

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GOLDA HARRIS, : CIVIL ACTION NO. 11-2018 (MLC)
Plaintiff, : **O P I N I O N**
v. :
DEPARTMENT OF CORRECTIONS, :
et al., :
Defendants. :
:

THE COURT ordered the parties to show cause why the action should not be remanded to state court for, inter alia, lack of subject matter jurisdiction. (Dkt. entry no. 5, Order To Show Cause.) The plaintiff pro se brought this action in New Jersey state court. (Dkt. entry no. 1, Rmv. Not., Ex. A, Compl.) The defendants removed the action pursuant to 28 U.S.C. § 1331, asserting that the plaintiff lists claims arising under federal law. (See Rmv. Not. at 2-3.) The Complaint is poorly drafted, but the plaintiff does state therein that "plaintiff is making no federal or civil rights claims". (Compl. at 8.) Thus, it appeared that the Court may lack subject matter jurisdiction.

THE COURT thus issued the Order To Show Cause, and ordered the plaintiff to state in her response whether her intention was to assert claims pursuant to state law only. (Order To Show Cause at 2.)

THE PLAINTIFF in her response states that she only seeks relief, and makes claims, pursuant to state law. (See dkt. entry

no. 8, Pl. Response at 2-3.) There is no need for a further response from the defendants, as the plaintiff has now made her intentions known. Therefore, the Court will (1) grant the Order To Show Cause to the extent that it concerns remand for lack of subject matter jurisdiction, (2) dismiss the Complaint insofar as it may be construed to seek relief pursuant to federal law, and (3) remand the action insofar as it seeks relief pursuant to state law.

FOR GOOD CAUSE APPEARING, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: May 23, 2011